

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Terry & Loretta Crane,**  
Petitioners-Appellants,

v.

**Warren County Board of Review,**  
Respondent-Appellee.

**ORDER**

**Docket No. 11-91-0137**  
**Parcel No. 63-234-00-0040**

On September 27, 2011, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Appellants Terry and Loretta Crane (Cranes) requested their appeal be considered without hearing. They are self-represented. Warren County Assessor Brian Arnold represented the Board of Review. Neither party submitted documentary evidence in the exhibits in the Board of Review certified record. This Board requested information missing from the certified record on October 10, 2011, which was received on October 21, 2011. The Appeal Board now having examined the entire record, and being fully advised, finds:

***Findings of Fact***

Terry and Loretta Crane, owners of property located at 2080 S. Orilla Road, Cumming, Iowa, appeal from the Warren County Board of Review decision reassessing their property. According to the property record card at the time of the protest filing, the subject property consists of a one-and-a-half-story dwelling having 2793 square feet of above-grade living area, a full unfinished basement, a 758 square-foot attached garage and a 600 square-foot detached garage. It was built in 1994 and is situated on a 2.93 acre site in rural Cumming. The dwelling has a 168 square-foot screen porch, a 132 square-

foot open porch, a 302 square-foot wood deck and a 336 square-foot concrete patio. It has 42 linear feet of brick veneer and a quality grade classification of 3+10.

The real estate was classified as residential on the initial assessment of January 1, 2011, and valued at \$390,600, representing \$73,000 in land value and \$317,600 in dwelling value. The Cranes filed a protest with the Board of Review on the grounds the assessment was not equitable as compared with assessments of other like property in the taxing district under Iowa Code section 441.37(1)(a); and that there is an error in the assessment under section 441.37(1)(d). The Board of Review granted the protest, in part, by changing the size of total living area from 2793 square feet to 2234 square feet and changing the dwelling style from a one-and-a-half-story to a two-story to correct errors in the assessment, and by reducing the assessed value to \$373,800, representing \$73,000 in land value and \$300,800 in dwelling value.

The Cranes then filed an appeal with this Board reasserting their claims. They believe the reduction in square footage should have reduced the dwelling value more than \$16,800. They assert \$335,600 was the actual value and a fair assessment of the property. We note that the Board of Review reduced the square footage of the dwelling by approximately 20%. However, it reduced the dwelling value by only approximately 5%. The following charts compare the cost method of the original assessment with the Board of Review assessment:

<b>Description</b>	<b>Original AV</b>	<b>BOR AV</b>
TSFLA	2793 SF	2234 SF
Grade	3+10	3+5
Wood Deck	302 SF	290 SF
Story Height	One & one-half	Two
Fireplace Height	One & one-half	One
Addition - 1 story	6 SF	456 SF
Addition - 1 story		48 SF
Grade Multiplier	1.35	1.28

<b>COSTS</b>	<b>Original</b>	<b>BOR</b>
Base Value	\$ 161,160	\$ 102,230
AC	\$ 4,120	\$ 2,250
Screen Porch	\$ 5,520	\$ 5,520
Open Porch	\$ 3,670	\$ 3,670
Quarters Adjustment		\$ 1,670
AC Adjustment		\$ 30
Wood Deck	\$ 6,040	\$ 5,800
Concrete Patio	\$ 1,344	\$ 1,344
Brick Veneer	\$ 2,940	\$ 2,940
Plumbing	\$ 10,300	\$ 10,300
BI Appliances	\$ 1,650	\$ 1,650
Fireplace	\$ 4,400	\$ 3,900
Attached Garage	\$ 24,460	\$ 24,990
Basement Stall	\$ 3,000	\$ 3,000
Openers	\$ 350	\$ 350
Addition	\$ 980	\$ 27,280
Addition High Ceiling		\$ 28,060
Addition		\$ 4,220
Dwelling Totals	\$ 229,934	\$ 229,204

<b>Adjustments</b>		
X Grade Multi	\$ 310,411	\$ 293,381
Detached Garage	\$ 11,380	\$ 11,380
Improvement Totals	\$ 321,791	\$ 304,761
- 6% Physical Depreciation	\$ 302,484	\$ 286,476
X Map Factor	\$ 317,608	\$ 300,799
RCNLD Rounded	\$ 317,600	\$ 300,800
Plus Land Value	\$ 73,000	\$ 73,000
Total Assessment	\$ 390,600	\$ 373,800

Reviewing all the evidence, we find the record shows the error in assessment was correct by the Board of Review. However, in addition to reducing the gross living area of the dwelling from 2793 to 2234 square feet, the size of the wood deck, the height of the fireplace, and reducing the quality grade from 3+10 to 3+5, the inspection identified other assessment errors which were corrected as well. The square footage of the addition was increased from 6 square feet to a total of 504 square feet and an adjustment was made for high ceilings. These additional adjustments resulted in approximately

\$60,000 in dwelling value not reflected in the original assessment which essentially counterbalanced changes from the reduction in total living area and story height.

Cranes did not provide any documents to support their claim of inequitable assessment and the record on that issue is limited to a list of property addresses and unadjusted assessments or sale prices. This information is insufficient for this Board to determine if the other properties are comparable and indicate any inequity in the assessments.

Reviewing the record as a whole, the preponderance of the evidence does not support the identified errors should result in further reduction in the subject property assessment as of January 1, 2011.

### ***Conclusions of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sale prices of the property or

comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, “other factors” may be considered in arriving at market value. § 441.21(2). The assessed value of the property “shall be one hundred percent of its actual value.” § 441.21(1)(a).

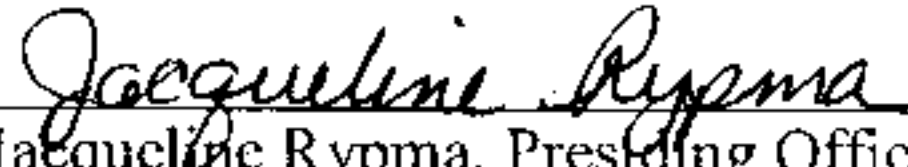
To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The gist of this test is ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). Cranes offered scant evidence on this issue and failed to prove inequity under either of the tests.

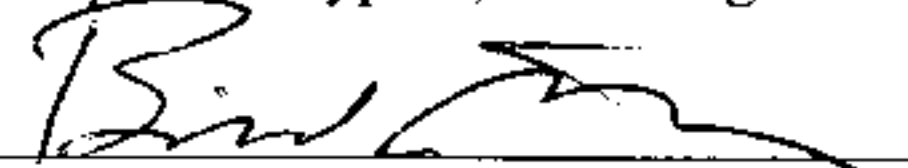
Section 441.37(1)(d), on which the Cranes rest their error claim, allows a protest on the ground “[t]hat there is an error in the assessment.” § 441.21(1)(d). The evidence presented supported their contention raised before the Board of Review that there is an error in the calculation of the gross living area. The Cranes disputed the amount of the reduction from the error correction. While the change in total living area resulted in a reduction of the base value of their dwelling, the property inspection also identified other listing errors in the original assessment. The correction of these listing errors added value and counterbalanced the decrease from the reduction in living area.

Viewing the record as a whole, we find the preponderance of the evidence does not support Cranes’ claim seeking a further reduction in the January 1, 2011, assessment. Therefore, we affirm the Cranes’ property assessment as determined by the Board of Review. The Appeal Board determines that the property assessment value as of January 1, 2011, is \$373,800, representing \$73,000 in land value and \$300,800 in dwelling value.

THE APPEAL BOARD ORDERS that the January 1, 2011, assessment as determined by the Warren County Board of Review is affirmed.

Dated this 2 day of November 2011.

  
Jacqueline Rypma, Presiding Officer

  
Richard Stradley, Board Chair

  
Karen Oberman, Board Member

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LEGAL REPRESENTATIVE FOR APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>11-2</u> , 20 <u>11</u>	
By:	<u>U.S. Mail</u> FAX
	Hand Delivered Overnight Courier
	Certified Mail Other
Signature	